



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/540,312 | 03/31/2000 | Michael Becker | 5478 | 1264 |

7590 12/16/2004
Patrick J O'Shea
Samuels Gauthier & Stevens LLP
225 Franklin Street Suite 3300
Boston, MA 02110

EXAMINER

GRIER, LAURA A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2644

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/540,312 | Applicant(s) BECKER ET AL. | |
| | Examiner Laura A Grier | Art Unit 2644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5,7,8,10 and 12-17 is/are allowed.
- 6) ☒ Claim(s) 18,20,22-25 and 28 is/are rejected.
- 7) ☒ Claim(s) 19, 21,26,27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18, 22-25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe.

Regarding **claims 18, 22-25 and 28**, Watanabe discloses a transmission right assigning method and communication system. Watanabe's disclosure comprises a plurality of devices (1-1...1-n) with priority values (levels), wherein the devices interact between each other based upon their respective priority levels via an interface, which inherently reads on a first and second input unit that receives a 1st priority value indicative of a 1st scope of authority and a 2nd priority value indicative of a 2nd scope of authority as evident by the assigned priority values of the different devices (figure 10) and device levels, respectively; a transmission line (3), which is a communication line, which reads on a system bus; and a well, the different devices - network system including a DVD system, CD system, a portable telephone, car speed sensor, navigation system, and audio speaker, etc. coupled to this communication line, all of which are functional based upon its priority number are controlled by the transmission right assigning unit (col. 5, lines 25-54, col. 9, lines 62-67, col. 10, lines 1-22, col. 11, lines 52-59, col. 12, lines 57-64 and

Art Unit: 2644

figure 1), reads on a plurality of audio generating devices, therein; wherein it is inherent that this system is used in a vehicle with a vehicle sound system as evident by the fact that a car sensor is a part of the network components.

Regarding claim 20, Watanabe discloses everything claimed as applied above (see claim 18). Watanabe discloses the transmission right assigning unit, which reads automatically providing a 1st and 2nd priority value.

Regarding claim 24, Watanabe discloses everything claimed as applied above (see claim 22). Watanabe discloses each device having a memory (col. 5, lines 40-49) for storing the transmittal data, which reads priority values and functional scope data.

Allowable Subject Matter

3. Claims 1-3, 5, 7-8, 10, 12-17 are allowed.

14. Claims 19 and 21, 26-27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive.

The applicant essentially argues that the prior art of record fails to provide a plurality of input units and/or 1st and 2nd input units that provide priority values that define the scope of authority of the operation in a vehicle sound system. The input units are inherently disclosed by

Art Unit: 2644

the as evident by the fact that the devices have levels and priority number, both of which indicates a priority value, wherein the claim language fails to specifically limit what is meant by a priority value. The claim language interpreted and examiner in respect the broadest interpretation. Thus, the rejection of claims 18, 22-25 and 28.

Conclusion

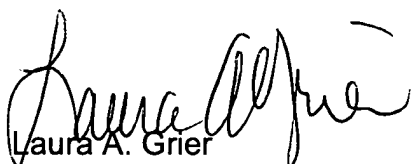
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura A. Grier
December 9, 2004



XU MEI
PRIMARY EXAMINER